

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document # 9

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*Thomas*  
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-v-  
*ASCAP*  
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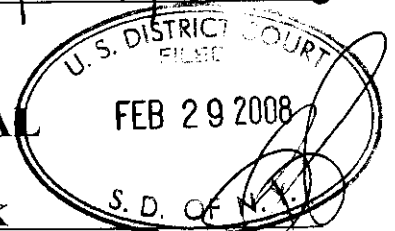
U.S.C.A. # \_\_\_\_\_

U.S.D.C. # *07-cv-9437*

JUDGE: *KMW*

DATE: *2/29/2008*

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK  
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
ADDRESS: 500 PEARL STREET, ROOM 370  
NEW YORK, NEW YORK 10007  
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION	DOC. #
<u>CLERK'S CERTIFICATE</u>	_____
<u>SEE ATTACHED LIST OF NUMBERED DOCUMENTS</u>	_____
_____	_____
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☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the *29th* Day of *February*, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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*Thomas*  
-v-  
*ASCA P*  
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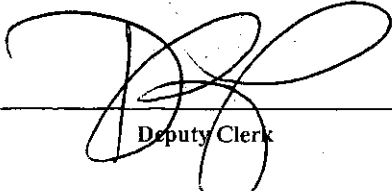
**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 8, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
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_____	_____

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 29th Day of February in this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By   
Deputy Clerk

APPEAL, CLOSED, PLRA, PRO-SE

**U.S. District Court  
 United States District Court for the Southern District of New York (Foley Square)  
 CIVIL DOCKET FOR CASE #: 1:07-cv-09437-KMW  
 Internal Use Only**

Thomas v. ASCAP et al  
 Assigned to: Judge Kimba M. Wood  
 Cause: 17:101 Copyright Infringement

Date Filed: 10/23/2007  
 Date Terminated: 02/05/2008  
 Jury Demand: None  
 Nature of Suit: 540 Mandamus & Other  
 Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/23/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Keith Thomas.(jeh) (Entered: 10/30/2007)
10/23/2007	<u>2</u>	COMPLAINT against ASCAP, John Doe, John Doe. Document filed by Keith Thomas.(jeh) (Entered: 10/30/2007)
10/23/2007		Magistrate Judge Douglas F. Eaton is so designated. (jeh) (Entered: 10/30/2007)
10/23/2007	<u>3</u>	30 DAYS ORDER; As plaintiff has failed to sign his Prison Authorization Form, he is granted an additional thirty (30) days from the date of this order to do so. The Clerk of Court is directed to assign a civil docket number to this action solely for the purpose of this order. If plaintiff fails to comply with this order within the time allowed, the complaint shall be dismissed. The Court certifies pursuant to 28 U.S.C. 1915 (a) (3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 10/23/2007) (jeh) (Entered: 10/30/2007)
12/11/2007	<u>4</u>	PRO SE MEMORANDUM dated 12/11/07 re: CHANGE OF ADDRESS for Keith Thomas. New Address: CDC- T-67081, High Desert State Prison, D-1 Cell-121, PO Box 33, Susanville, CA, 961127. (tro) (Entered: 12/12/2007)
01/03/2008	<u>5</u>	PRISON AUTHORIZATION FORM signed and filed by Keith Thomas. (jeh) (Entered: 01/09/2008)
01/03/2008		Case Designated PLRA purs. to Prison Litigation Reform Act Section 7(2)(g)(2). (jeh) (Entered: 01/09/2008)
02/05/2008	<u>6</u>	JUDGMENT in favor of ASCAP, John Doe against Keith Thomas that the complaint is dismissed and any appeal would not be taken in good faith. (Signed by Judge Kimba M. Wood on 2/5/08) (jf) (Additional attachment(s) added on 2/6/2008: # 1 notice to right to appeal) (jf). (Entered: 02/06/2008)
02/05/2008	<u>7</u>	ORDER OF DISMISSAL; The Court grants plaintiff's request to proceed in forma pauperis, but dismisses the complaint for the reasons set forth below; Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. section 1915(a)(1), is dismissed because it fails to state a claim on which relief may be granted. 28 U.S.C. section 1915(e)(2)(B)(ii). The Court certifies pursuant to 28 U.S.C. section 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 2/5/08) (ae) (Entered: 02/11/2008)
02/26/2008	<u>8</u>	NOTICE OF APPEAL from <u>6</u> Judgment. Document filed by Keith Thomas. (tp) (Entered: 02/28/2008)
02/26/2008		Appeal Remark as to <u>8</u> Notice of Appeal filed by Keith Thomas. \$455.00 APPEAL FEE DUE. IFP REVOKED 2/5/08. (tp) (Entered: 02/28/2008)
02/28/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>8</u> Notice of Appeal. (tp) (Entered: 02/28/2008)
02/28/2008		Transmission of Notice of Appeal to the District Judge re: <u>8</u> Notice of Appeal. (tp) (Entered: 02/28/2008)